

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE

TX. C. C., Inc., et al

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**Case No. 17-40297
(Jointly Administered)**

Chapter 7

**EMERGENCY EX PARTE MOTION OF WEYCER KAPLAN
PULASKI & ZUBER P.C. TO WITHDRAW AS COUNSEL FOR
DEBTORS**

Weycer Kaplan Pulaski & Zuber P.C. (“WKPZ”) files this *Emergency Ex Parte Motion of Weycer Kaplan Pulaski & Zuber P.C. to Withdraw as Counsel for Debtors* (the “Motion to Withdraw as Counsel”) and in support thereof would show the Court the following.

PRELIMINARY STATEMENT REGARDING EMERGENCY EX PARTE RELIEF

1. Ex parte consideration of this Motion to Withdraw as Counsel is requested so that CT Corp. may be informed as quickly as possible of the proper place to serve (or the proper place *not to serve*) the many items that CT Corp. has begun to deliver upon WKPZ as discussed below.

2. Ex parte consideration would be appropriate due the largely administrative purpose of this Motion to Withdraw as Counsel and the lack of opposition by the U.S. Trustee and the Chapter 7 Trustee as indicated in the Certificate of Conference below.

FACTUAL BACKGROUND AND BASIS OF RELIEF

3. WKPZ served as counsel to the Debtors during the Chapter 11 phase of these cases.

4. These cases converted to Chapter 7 in September, 2017.

5. Within the last thirty days, CT Corp. has begun delivering to WKPZ all manner of pleadings, notices, orders, subpoenas, and other documents concerning the Debtors and concerning also various related non-debtor entities that also operated restaurants. Many of the items delivered to date are several months old.

6. Apparently CT Corp. has found WKPZ and has decided to send all of the accumulated items for which CT Corp. could not determine a sufficient registered agent, address, or point of contact, so far consisting of two to three boxes worth of items numbering in the range at least twenty to thirty items.

7. Aside from the administrative burden of such deluge, under the circumstances and procedural history of this case, WKPZ simply is not the proper party to receive the various notices and other documents.

8. Delivery of these documents by CT Corp. upon WKPZ possibly leaves the false impression on the party attempting service or notice that such service or notice is effective when the opposite is true, thus potentially creating substantial procedural confusion in many other courts and jurisdictions.

9. WKPZ has attempted to communicate directly with CT Corp. regarding this situation to no effect.

10. WKPZ shall remain available to the Court, the Chapter 7 Trustee, and the U.S. Trustee as needed to provide any information requested of WKPZ and within the possession of WKPZ.

11. Accordingly, WKPZ seeks to formally withdraw as counsel for the Debtors.

12. A proposed form of order is submitted with this Motion to Withdraw as Counsel and is incorporated by reference herein.

CONCLUSION AND PRAYER

WHEREFORE, Weycer Kaplan Pulaski & Zuber P.C. respectfully request that the Court permit WKPZ to formally withdraw as counsel for the Debtors. Movant respectfully requests such other and further relief to which it is entitled at law or in equity.

Dated: August 29, 2018

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN:. 24001846)

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CERTIFICATE OF CONFERENCE

The undersigned has conferred with the U.S. Trustee (per Mr. Tim O'Neil) and the Chapter 7 Trustee (per Mr. Tim York) and neither oppose the withdrawal of counsel as requested above.

/s/ Jeff Carruth

Jeff Carruth

CERTIFICATE OF SERVICE

A true and correct copy of this item was served on August 29, 2018 upon all registered ECF who have entered an appearance in this case.

/s/ Jeff Carruth

Jeff Carruth

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**ORDER GRATING EMERGENCY EX PARTE MOTION OF WEYCER
KAPLAN PULASKI & ZUBER P.C. TO WITHDRAW AS COUNSEL FOR
DEBTORS (RE: DOCKET NO. ____)**

On this day came on for consideration the *Emergency Ex Parte Motion of Weycer Kaplan Pulaski & Zuber P.C. to Withdraw as Counsel for Debtors* (Docket No. __) (the “Motion to Withdraw as Counsel”) filed herein on August 29, 2018 by Weycer Kaplan Pulaski & Zuber P.C. (“WKPZ”). Upon review of the Motion to Withdraw as Counsel and the record before the Court, the Court is of the opinion that sufficient cause exists for emergency ex parte consideration and that the relief requested in the Motion to Withdraw as Counsel should be granted.

IT IS THEREFORE ORDERED that WKPZ is hereby withdrawn as counsel for each of the Debtors in the main case and each of the administratively consolidated cases.

Signed this ____ day of _____, 2018.

HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE